

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3353 OF 2003**

Sitabai Ramchandra Kulkarni & Ors. ...Petitioners
Vs.
Special Land Acquisition Officer & Ors. ...Respondents

Mr.P.D.Dalavi for the Petitioners.
Mr.C.R.Sonawane, A.G.P. for the Respondents.

**CORAM :- B.H.MARLAPALLE &
NARESH H.PATIL,JJ.
DATE :- 26TH SEPTEMBER,2006**

P.C.

1. We have heard Mr.P.D.Dalavi, the learned Counsel for the Petitioners and Mr.C.R.Sonawane, A.G.P. We have also perused the affidavit in reply filed by the Special Land Acquisition Officer No.4, Satara.

2. The Petitioners are the owners of agricultural land Gat No.423-A/1 situated at village Kashil, Tq. and Dist.Satara. The said land was sought to be acquired for the rehabilitation/ resettlement of the project affected persons (Urmodi Dam). Section-4 notification was issued on 4th September, 1997 in respect of 48 Rs land from the holding of the Petitioners and it is claimed that inspite of the objections submitted by the Petitioners in an enquiry under section 5-A of the Land Acquisition Act,1894, the Special Land Acquisition Officer did not apply his mind and proceeded to pass the Award. It is claimed that only 40 Rs. land from the holding of the Petitioners can be acquired instead of 48 Rs.

3. On the other hand, the Special Land

Acquisition Officer has stated that the Award came to be passed on 31st July, 1999 in respect of the entire land admeasuring 48 Rs land out of the holding of the Petitioners and therefore, the acquisition proceedings have been finalized. It is further stated in the affidavit that the Petitioners' contention that only 40 Rs of land can be acquired cannot be accepted, as the total holding of the Petitioner was 3 H 31 Rs, at the relevant time.

4. The Petitioners claimed that the land is still in their possession and their grievance is only in respect of the land admeasuring 8 Rs.

5. If that be so, it would be appropriate that the Petitioners submit an application to the Divisional Commissioner, Pune praying for deletion of 8 Rs land and it is for the said Authority to hear the Petitioners, consider the revenue record and pass an appropriate order. If such an application is filed within a period of four weeks from today, we direct the Divisional Commissioner, Pune to decide the said application as expeditiously as possible on or before 31st January, 2007 and as per law. Petition stands disposed of accordingly.

6. Writ to both the parties including the Divisional Commissioner, Pune, to go forthwith.

(NARESH H.PATIL,J.)

(B.H.MARLAPALLE,J.)

